



State of Idaho  
OFFICE OF THE ATTORNEY GENERAL  
Division of Environmental Quality, IDHW

AVESF 11.1

1410 N. Hilton, 2nd Floor  
Boise, Idaho 83706  
Telephone: (208) 334-0494  
Telecopy: (208) 334-0417

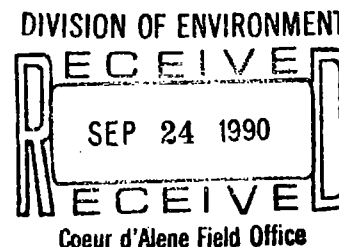
M E M O R A N D U M

DATE: September 20, 1990

TO: Cathy Chertudi  
Susan Martin  
Paul Jehn

FROM: Doug Conde *DMC*  
Deputy Attorney General

RE: Avery Landing Site



The following events have occurred recently:

1. I have received the attached letter from CMC's attorney. CMC refuses to contribute to the cleanup costs. CMC does not argue that it is not liable to the state with respect to the cleanup costs; instead, it argues that, if the state goes after CMC for the costs, CMC will just dump on Potlatch, so the state should just sue Potlatch. This is a ridiculous argument.
2. I have discovered that the Avery site is on CERCLIS and scheduled for a second quarter 1991 PA. I have attached Dean Nygard's memo to Lance Nielsen regarding this. (Dean apparently thought my last name was Fowler). Dean is concerned about solvents used to clean the trains and also about PCBs. Dean has recommended that the PA be scheduled for an earlier date.
3. I met with Potlatch's attorney on September 17, 1990 to discuss the implications of being on CERCLIS and CMC's letter denying responsibility. I argued to Potlatch's attorney that, given the possibility of Potlatch being on the NPL, the sooner Potlatch begins a site assessment and cleanup, the better. Potlatch's attorney indicated he is going to suggest to Potlatch that they do some sort of cleanup and then pursue indemnification from the railroad.
4. I am in the process of preparing a complaint against CMC. I think we should continue to pursue an action against CMC. This will encourage Potlatch to proceed with the cleanup.



Cathy Chertudi,  
Susan Martin, Paul Jehn  
Page 2  
September 20, 1990

5. I visited the site with Joe Baldwin and Lisa Prochnow on September 19, 1990. The contamination on the shoreline is very obvious and extensive. There were actually pools of oil that had developed at the water's edge and were seeping into the water. While on the site, Joe and Lisa checked a number of monitoring wells. Several of the wells had caps we could not get off. I thought I would ask Potlatch if we could access these wells.

DMC/pg

Attachments

cc: Joe Baldwin  
Lisa Prochnow